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Attorney for Plaintiff
JOANNE GRAFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOANNE GRAFF,

Plaintiff,

v.

ARS NATIONAL SERVICES, INC., D/B/A
ASSOCIATED RECOVERY SYSTEMS, a
California corporation, and JASON A.
HOWERTON, individually and in his official
capacity,

Defendants.

Case No. C07-04406-HRL

**DECLARATION OF COUNSEL IN
SUPPORT OF ENTRY OF DEFAULT
AGAINST DEFENDANT, ARS
NATIONAL SERVICES, INC.**

[Fed. R. Civ. P. 55(a)]

FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an attorney and counselor at law, duly admitted to practice before this Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I have personal knowledge of the matters stated in this declaration.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendant, ARS NATIONAL SERVICES, INC., pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in support of this application do show that:

a. Defendant was personally served, through its agent for service of process, with copies of Plaintiff's Summons and Complaint as provided by Rule 4(c)(1), Federal Rules of Civil Procedure;

1 b. Upon Plaintiff's information and belief, Defendant, being a
2 California corporation with its principal place of business in
3 Escondido, California, is neither an infant nor an incompetent person
4 requiring special service in accordance with Rule 4(g), Federal Rules
5 of Civil Procedure, and is not serving with the armed forces of the
6 United States entitled to the protection of 50 U.S.C. App. Section
7 520;

8 c. Defendant has neither answered nor otherwise responded formally to
9 Plaintiffs's Summons and Complaint, and the time to do so, as
10 provided in Rule 12(a), Federal Rules of Civil Procedure, has
11 expired;

12 d. Copies of this Declaration and the Request for Entry of Default,
13 seeking entry of default, which are being filed herewith, have this
14 date been served upon Defendant by regular mail, postage prepaid.

15 Executed on October 17, 2007, at San Jose, California.

16 /s/ Fred W. Schwinn
17 Fred W. Schwinn, Esq.
18 Attorney for Plaintiff
19 JOANNE GRAFF
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